



Town of New Windsor

555 Union Avenue

**OFFICE OF THE PLANNING BOARD
WEDNESDAY — JUNE 8, 2005 - 7:30 PM
TENTATIVE AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: APRIL 13, 2005 & APRIL 27, 2005

ANNUAL MOBILE HOME PARK REVIEW:

1. **SARIS MOBILE HOME PARK – UNION AVENUE**
2. **HUDSON VIEW MOBILE HOME PARK – RT. 9W**
3. **PARADISE MOBILE HOME PARK – RT. 9W**

ZBA REFERRALS:

1. **QUICK CHEK SERVICE STATION (05-16) CORNER UNION AVE & RT. 32
(GENESLAW) Proposed Quick Chek Gasoline Service Station.**

REGULAR ITEMS:

2. **MC QUADE FOUNDATION SITE PLAN (05-18) RT. 94 (HAMLIN)
Proposed 20,000 s.f. classroom addition with parking.**
3. **JOYCE ORR LOT LINE CHANGE (04-19) JACKSON AVENUE (ZEN DESIGN)
Proposed residential lot line change**
4. **PLUM POINT CONDOMINIUMS (04-24) RT. 9W (HALBERTHAL)
Proposed parking revisions.**

DISCUSSION:

5. **PATRIOT RIDGE CONDOMINIUMS – FIELD CHANGE FOR POOL DECK,
POOLS AND SHED.**

ADJOURNMENT

PLEASE NOTE SUMMER MEETING DATES ARE:

JUNE 8TH & 22ND, 2005

JULY 27TH, 2005

AUGUST 24TH, 2005

(NEXT MEETING –JUNE 22, 2005)

TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 8, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
NEIL SCHLESINGER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALTERNATES: JOSEPH MINUTA
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call to order the June 8, 2005 meeting of the New Windsor Planning Board.

APPROVAL OF MINUTES DATED APRIL 13, 2005 & APRIL 27, 2005

MR. PETRO: Approval of the minutes dated April 13, 2005 and April 27, 2005 as written.

MR. ARGENIO: I'll make a motion that we accept them as written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept those minutes with those dates as written. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

SARIS MOBILE HOME PARK - UNION AVENUE

Mr. Craig Saris appeared before the board for this review.

MR. PETRO: Saris Mobile Home Park on Union Avenue. I think this is brought over from the last time. Is someone here tonight? You're like the phantom but you always show up smiling, that's good. Someone from your department been there, Mike, do you have any outstanding comments for one year extension?

MR. BABCOCK: Yes, we were and there's a few outstanding comments, I talked to the applicant just now, he's told me that he's done everything except for two items, there's a couple questions on a few of the items, he's going to get ahold of the guy that did the inspection tomorrow and straighten the rest of the stuff out.

MR. PETRO: Do you have a check for \$100 made out to the Town of New Windsor?

MR. SARIS: Yes.

MR. PETRO: This is for one year extension.

MR. ARGENIO: I'll make a motion for one year extension for the Saris Mobile Home Park on Union Avenue.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Saris Mobile Home Park on Union Avenue. Any further discussion? If not, roll call.

ROLL CALL

June 8, 2005

4

MR. SCHLESINGER AYE
MR. KARNAVEZOS AYE
MR. MASON AYE
MR. ARGENIO AYE
MR. PETRO AYE

MR. PETRO: We thank you for coming in. We'll see you
sometime next year, right?

HUDSON VIEW MOBILE HOME PARK

Ms. June Cornell appeared before the board for this review.

MR. PETRO: Hudson View Mobile Home Park. Mike, has someone been to the site?

MR. BABCOCK: Yes we have Mr. Chairman and everything is fine there.

MR. PETRO: Do you have a check for \$135?

MS. CORNELL: Yes.

MR. PETRO: I don't think we have any outstanding problems so I guess we'll do a one year extension.

MR. ARGENIO: As such, I'll make a motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant a one year extension to the Hudson View Mobile Home Park on Route 9W.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PARADISE MOBILE HOME PARK

Mr. Ken Mannix appeared before the board for this proposal.

MR. PETRO: Has someone from your department been there? Do you have any outstanding comments or additions?

MR. BABCOCK: Yes, we've been there and everything is fine.

MR. ARGENIO: As such, I will make a motion.

MR. PETRO: Do you have a check for \$185?

MR. MANNIX: Yes.

MR. PETRO: Is it a good check?

MR. MANNIX: I'm not sure this year.

MR. ARGENIO: Check is good, I'll make a motion for one year extension for Paradise Mobile Home Park.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Paradise Mobile Home Park on Route 9W. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

June 8, 2005

7

MR. PETRO: Thank you for coming in and see you in a year.

MR. MANNIX: Thank you.

ZBA REFERRALS

QUICK CHEK SERVICE STATION (05-16)

Howard D. Geneslaw, Esq. appeared before the board for this proposal.

MR. PETRO: Proposed Quick Chek, application is for the development of the convenient store and gas sales at the corner of Union Avenue and Route 32. Store also has 16 food sales seating, the plan was reviewed on a concept basis only. Convenient store with gasoline sales is a special use permit of the NC zoning district and there are several code issues which will require action from the Zoning Board of Appeals. Just one minute before you start. The 16 seats for seating, is that in the last application?

MR. GENESLAW: Howard Geneslaw from the law firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchion appearing tonight on behalf of Quick Chek food stores. Quick Chek is a chain of convenient stores in New Jersey, they have 107 stores, they are now starting a significant expansion into New York State. This is actually the second of their stores in New York to go into the permitting process. When we attended the work session, this is the same plan that we presented, it indicated the 16 seats, we submitted the floor plan, the seats are for customers who come in, get coffee, sandwich, might want to sit down for a while.

MR. PETRO: The reason I asked you about the seats, the parking calculations then on the entire site, have you taken into consideration the 16 seats?

MR. GENESLAW: I discussed that with Mr. Edsall this morning, the plan as submitted did not provide a separate, it's about 5 1/2, there are enough parking spaces on the site to accommodate for the seating. So when we resubmit, when we come back for a site plan and

special permit we'll show one per 3 for the 16 seats and we'll cover that area out from the overall retail, it will still be compliant.

MR. PETRO: Okay, let's see, well, we're not going to go over the site plan a lot tonight because obviously you need some variances, they're all listed on your sheet which Mark had gone over, I think the number one issue is going to be is it 1,000 feet, Mark?

MR. EDSALL: Yes.

MR. PETRO: That you're within 1,000 feet of another service station and we're going to need some clarification from the zoning board as to whether or not you're going to actually be permitted to go there because you're within 1,000 feet. I don't believe that this board has a problem with that, I think that we just need to be set in the right path with the zoning board how they're going to do that. Frankly, I'm not sure, they'll either have to come up with interpretation, a variance and/or a referral to the Town Board for modification to the law because I believe that when that law was written probably 30 years ago, it may not have this type of, to me this is not a filling station, this is far superior or much different, whatever word you want to use than a filling station. So I don't know if that law to me may be a little antiquated because, you know, I grew up in Ducktown and you only had Freddy Thompson's garage over there, this is not Freddy Thompson's garage, this is something a little more sophisticated and done differently, we're going to refer you to the zoning board and they'll come up with a way that if you're successful, you can come before this board again and at that time we'll go further with the site plan, I think that's the way we're going to do that. Mark, correct me if I'm wrong, you want to speak?

MR. EDSALL: Before we go on, there was five items

listed in my comment sheet, since I prepared the sheet, I had the opportunity to talk to Mike Babcock, the Code Enforcement Officer and relative to the referral or the item for Section 300-50, Subsection O about the signs, Mike has advised me that that exemption applies to canopy and pump signs no matter what use group they're under, if it's a pump, it applies, if it's a canopy, it applies, so he doesn't need to be part of the referral and I won't include it. On the menu board which is really just gives a customer the opportunity when they go to the car wash as to cost and services, that's something though when you would go into a fast food when there's a menu for drive-thru, Mike indicates that that by no means is a freestanding sign in the ordinance so that doesn't need to be part of the referral, that will be just something considered on site plan if it's a reasonable size for the board's consideration it will be part of your approval or consideration in the future so I'll be deleting those two bullet items under number one.

MR. PETRO: I'm just going to say necessary variances.

MR. EDSALL: Or interpretations.

MR. PETRO: These gentlemen yourselves can figure that out, no sense--

MR. EDSALL: I just wanted the record to be clear, we've gotten an interpretation or not interpretation but a decision on those two from the code enforcement officer.

MR. PETRO: I think the way we're going to do it which is something a little different than we've been doing it, we're going to say that your plan is inadequate at this time.

MR. EDSALL: Incomplete.

MR. PETRO: For us to review because you do need the necessary variances, so I'm going to do a roll call and we'll vote to send you to the zoning board instead of a denial that we normally do, I guess somebody called and so it made sense, I think that's what we're going to do. Is there anything about the site plan that you want to talk about at this time just briefly that you want to get any other input from the members?

MR. GENESLAW: We can give you a quick overview, we'd simply like to get a sense from the board of the overall layout of the site is something that the board is receptive to so that when we get our variances we can come back here and hopefully not need to return to the zoning board for any plan changes.

MR. PETRO: I would suggest that you do it all at one time if you're going to need a sign variance, if you're going to need height variances, anything that you need I'm sure I'm repeating something that you know probably better than I do but do it all at one time, you don't want to come here and find that you're short two foot on the height variance and have to go back and do it again, that would be a real waste of time.

MR. GENESLAW: This we can get, if we can get a sense that the board is, if we can get a consensus.

MR. PETRO: I've seen it with the owner of the property, I don't have a problem with it myself, I'd poll the board, see if anybody has a conceptual problem, I don't think they do. Does anybody? Seems to fit on the property, I think the basic thing that we need to find out is if by law if you can get it there and you have to do that at the zoning board, not here. If you, if you're looking for a positive recommendation to the zoning board from this board, I don't think that they'd have a problem doing that.

MR. GENESLAW: We would appreciate that.

MR. PETRO: Because again to me what I have always said if the planning board and the members are with me, support me if it's a permitted use in the zone and the law says it's going there, that's what we look at, we don't say yes or no but how and the zoning board may look differently than that. But as far as we're concerned, does anybody disagree that we can send with a positive recommendation?

MR. ARGENIO: I agree but I have one additional comment second to Five Corners this is probably one of the busiest intersections in the Town and the corner across the street the RPA folks, Patriot Ridge, we had them do a nice little paver area with a sitting area, they dolled it up nice the corner there. Now I'm not saying that you will be compelled to do that but I think we'd like to have and I don't want to speak for everybody on doing something a little special and unique in that dark green area that you have there because your grades, your building and your filling station according to the grading plan is going to lay a little higher than the roadway and when the people are going south on 32 and look to the right when they get to the intersection they should be looking at something nice, not that a tenth of an acre of grass is not nice but something a little better than a tenth of an acre of grass.

MR. GENESLAW: We'll revise the plans, thank you.

MR. PETRO: I need a motion.

MR. EDSALL: A motion to deem the application incomplete because it needs variances or interpretations and refer it to the Zoning Board.

MR. PETRO: Should we do lead agency coordination letter?

MR. EDSALL: Why don't you get the referral out of the way and we'll talk about SEQRA.

MR. PETRO: I need a motion.

MR. ARGENIO: I'll make a motion that we determine this plan is incomplete and they need to be referred to zoning for the necessary variances.

MR. SCHLESINGER: I will second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board deem this plan for Quick Chek food stores site plan incomplete and send them to the zoning board for the necessary variances. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you are successful in receiving those variances, you can once again reappear before this board and we'll review it as a site plan formally. I would send you on your way but let's find out what Mark has to say.

MR. EDSALL: Does the board have any suggestions with my working with the applicant's attorney on beginning the SEQRA process because there are other agencies involved such as DOT and Orange County DPW so we can get the circulation out and also the referral to the Orange County Department of Planning.

MR. PETRO: Motion for lead agency coordination letter

getting started.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board issue a, authorize the issuance of a lead agency coordination letter from the Quick Chek site plan on Route 32 and Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We'll get it out to OCPD, don't need a motion?

MR. EDSALL: No, I'll just take care of that if it's okay.

MR. PETRO: Thank you for coming in.

MR. GENESLAW: Thank you very much.

REGULAR ITEMS:

MC QUADE FOUNDATION SITE PLAN (05-18)

Mr. Garrett Hamlin and Mr. Paul Bauer appeared before the board for this proposal.

MR. PETRO: Next is McQuade Foundation site plan proposed 20,000 square foot classroom addition with parking. Application proposes the addition to the school gym building and new pool complex, new maintenance building and parking, driveway revisions, the plan was reviewed on a concept basis only. Good thing you don't have to go for a referendum cause you wouldn't stand a chance. Let's see, all right, tell us briefly, we've seen it a couple of times but go ahead and tell us.

MR. HAMLIN: The plan is essentially unchanged from the last time you've seen it except there's one modification that's going to show up on the half size colored plan that you will see in that the pool replacement design has evolved since the last time we've seen you and it's slightly modified, the parking one spot less which we picked up another spot on the other side so the count is the same but the locations are slightly changed. We're here tonight because we're in a catch 22 situation with our funding source, the dormitory authority of the State of New York is funding this and they, in order to proceed with the funding and let the bonds for the project, they need to have an understanding that no variances will be required for the project. We're in an R-4 zone, we're an allowed use, we meet all bulk requirements in the bulk table.

MR. PETRO: R-4 zone with a special permit.

MR. HAMLIN: That's correct and we have done a parking analysis and provided that to Mr. Edsall that in our estimation we believe we exceed the parking

requirements. We're increasing parking from its current condition and we'd like to ask for your input on that and hopefully we can walk away from tonight's meeting with an agreement from the board that there are no variances required for the project.

MR. PETRO: Bulk table not included on the plan.

MR. EDSALL: We did get a markup separately but they need to add that as a table onto the plan which we can get on the next submittal.

MR. PETRO: Joe, did you work on this plan?

MR. MINUTA: I did not work on this plan.

MR. PETRO: You're not with these people?

MR. MINUTA: Well, I'm not part of this meeting I guess as an alternate.

MR. PETRO: Just for the minutes.

MR. MINUTA: For the minutes I'm doing work as an architect for McQuade for the pool project, I will recuse myself in every way, shape or form for this meeting and that's about it.

MR. PETRO: Thank you, Joe. Well, you're asking if you're going to need a variance or not and Mark, why don't you go over that, you have so many bullet items here and so much to talk about that I--

MR. EDSALL: The initial thing they're looking for is the reviews and consensus on the parking which I think probably the first hurdle we have to get over and I looked at this briefly with Mike Babcock because we were trying to as the board come up with what we believe is the right number for parking. And interestingly there's three different ways to approach

the parking, one is to consider a school of special instruction which would require 150 spaces, we didn't believe that was pertinent to this application, as a straight school with just considering students and employees, it's the greater of either a number based on the number of students or based on maximum capacity and public assembly and that would give you a number of only 42 and we didn't think that was quite appropriate for this site. Looking at it the way they have on the top left corner of their plan on the table.

MR. ARGENIO: Which drawing number?

MR. EDSALL: The proposed site plan.

MR. BABCOCK: SK2.

MR. EDSALL: On the full size plan they broke out each of the buildings and their particular use, accounted for square footages and offices, accounted for students and employees or staff at each location and the only error in the calculation is that offices are one per 150, not one per 200 which would make the 108 bump up to 125 and they're currently at 116 so they would only need to add 9 more spaces to provide the 125 which seems to be a, I'll say an upper middle road of the ways to do it and I think it's a, it's higher than the average way based on the various ways in the code and I think it really does a good job of addressing all the buildings on the site. So subject to the board's okay what we'd like to suggest Mike and I is that I use the 125 number based on the corrected table on sheet 2 of their submittal and all we'd have to do is develop 9 more spaces. We're suggesting they be in the area of the new addition cause it seems that there's a heck of a lot of spaces near 94, if you're in the middle of a thunderstorm like we had today you'll be real happy to have 9 more next to the building.

MR. ARGENIO: Four more next to the addition would be a

good thing.

MR. EDSALL: We're looking at 9.

MR. ARGENIO: More than four I meant to say.

MR. EDSALL: So that would be our suggestion up near that, 4, yes, Jerry maybe along the other side of the drive so from a parking standpoint if that seems reasonable I think that's the first hurdle we have to get over.

MR. HAMLIN: This is Paul Bauer, site designer of the project.

MR. SCHLESINGER: We're evaluating parking spaces per each interest, not as an overall?

MR. EDSALL: What we did was we took as I said there's different ways in the code you can look at it purely as a school of special instruction, that didn't seem to work as a school it seems it would get a much lower number than would make sense for it so what we did was we looked at each building and said they've got a lot of square footage but some of it is just residential housing of students, we've got office buildings which concern the function of the school but they're large office buildings, there's staff associated with each building, they gave us that breakdown and that's what that sheet 2 number is. So yeah, we're looking at it as a total site but we're, I don't want to say micromanaging but looking at each piece to try to get it as close to usable number as we can.

MR. SCHLESINGER: Is it okay with you that Fulton Cottage and Schaffer Cottage are in essence really locked in being that there's a gate on each side?

MR. EDSALL: I'm not talking about access yet, we're talking purely the parking number, we can talk about

layout and access and you've got some input from the fire inspector but I'm looking at just to have the gentleman walk away with a parking number.

MR. BABCOCK: I'm going to give them my copy of John McDonald's review.

MR. EDSALL: Which this is the first I've seen it is tonight.

MR. BABCOCK: Yeah.

MR. EDSALL: Maybe we can get over the parking number and then we can talk about layout.

MR. MASON: Most of the kids are bussed in here?

MR. HAMLIN: There's a mix of kids who live on site and then kids who are bussed in, no kids drive to the site, it's all either on site residents or bussed in.

MR. MASON: It's hard to see on this plan but I mean there's plenty of turn radius for the busses to get through there?

MR. HAMLIN: Yes.

MR. PETRO: Well, you see John McDonald's, no parallel parking along the access road.

MR. EDSALL: Yeah, that's 11 space, 11 spaces.

MR. PETRO: Why wouldn't he want it as long as you had adequate road space?

MR. EDSALL: I wouldn't disagree with the fire inspector but as long as there's the proper width to get vehicles through including the fire trucks, I would see no reason why parallel parking can't be permitted again that's what I just asked. Public roads have

parallel parking.

MR. PETRO: You look into it, I don't want to look into it and find out why, contact the fire inspector, department head.

MR. EDSALL: The key is if we give them a number, tell them we want 125 and have to move them they'll move them someplace else.

MR. PETRO: No sense coming back and putting them there and this gets thrown out again. I think, gentlemen, that if you look at this site plan and I've been doing this for a little while, I think it's inadequate parking on the entire site plan and I'm not saying that it is inadequate as far as the code is concerned or an engineer or your fine work, I'm saying just as common sense when you look down there's too much going on here and there's not enough parking. If you had a large gathering in the gymnasium or in school, it's just not going to work. I realize you can park on the grass and there's always, I go to the Bethlehem Church Fair and forget about the parking, every piece of grass is covered with cars and I guess it works once a year but I think you should devise somewhere on this property and there seems to be adequate space somewhere other than money, I'm not interested in the money aspect because you don't want to pave it and excavate it and come up with a better parking area somewhere, I'm not saying that this won't be approved as long as the engineer says it works and it's fine. But again a lot of times I'm like I always go back to the infiltration in the water pipe, the engineer says there's enough room in the pipe but it only shoots out the top. What's that mean? Engineer says it's good, water's coming out the hole. So the same thing here, I don't think there's enough parking spots and if you're designing it now you might as well look at it good.

MR. HAMLIN: That's why I'm here, we'd like to come up

with a solution that satisfies the board.

MR. PETRO: If the code says 125 that doesn't mean you can't go to 126 or 152 or something that makes sense, I would look at peak which you may have a visiting team or something of that nature, I don't know exactly what you're going to be doing, have a play in the auditorium and there's going to be a lot of people, I would consider that and kind of try to get to that threshold a little bit. I'm looking at the plan and you don't have enough parking, very simple and you guys are professionals, I'm just sitting here part time really, I don't know what I'm doing I guess they say, but don't have enough parking. Mark, you look at that again and what I really want to know is how you're going to come up with that number 125 is what you're saying is going to be the required.

MR. EDSALL: I felt comfortable suggesting to the board that it be at least 125, if you want 125 plus whatever else they can accomplish that's what we'll ask him. My other comment on the parking was I felt there was not enough spaces near the new addition which is the going to end up being the largest building on the site.

MR. ARGENIO: Mark, I thought exactly the same thing.

MR. PETRO: Like Fritz Kass' building on 32, it had all that parking in the back, this is New Windsor Mall I'm talking about and if I go for a bagel in the morning I can't park. Now if you think I'm parking in the back of those stores because that's the parking they provided for the plan.

MR. ARGENIO: Again, it meets the code but it doesn't work from a practical standpoint.

MR. PETRO: That's what you're looking at here, I think you get my point.

MR. EDSALL: We need to increase the number of parking if I'm understanding correctly but emphasis on getting parking closer to this large addition.

MR. PETRO: Right.

MR. ARGENIO: We talked about this at Shop Rite the proximity of the parking to the active area is as important as the number of stalls.

MR. EDSALL: We look at it for excess parking on multi-family as well to distribute it on the site.

MR. PETRO: As far as variances I can't tell you if you're going to need one or not because here it says rear yard value is indicated, however the rear property line is not depicted. If I don't know where the rear property line is I can't tell you if a variance is needed. We don't know the height, I couldn't tell you if you need a height variance. The planning board has received a letter from the Dormitory Authority State of New York indicating their intent to be lead agency for the overall action, the board should consider this letter and indicate their agreement or objection. I object, it's in New Windsor, I want to be lead agency. Does anybody disagree? Does anybody want to disagree with me? It should also be noted that the description included in the Dormitory Authority letter seems to be incomplete and includes some inaccuracies. That won't happen here.

MR. EDSALL: Well then we need to if the board feels it's most appropriate that the potential environmental impacts of the site development be under your action as lead agency, we need to correspond with Dormitory Authority and tell them that we disagree with, we think this board should be lead agency.

MR. PETRO: You can do that.

MR. EDSALL: I will do that as quickly as possible since the clock is running.

MR. ARGENIO: Why would they make that statement?

MR. EDSALL: Dormitory Authority and State Education Department seem to love to be lead agency for any action that they fund or oversee, it's probably just their modis operandi.

MR. PETRO: It's on Route 94, look at the map, it's in New Windsor, we want to take care of it.

MR. ARGENIO: I don't disagree, maybe Mark knowing some history there.

MR. HAMLIN: That's typically how the funding sources run for these and we notify the Dormitory Authority, the Dormitory Authority notified the Town of that intent and if the Town wants to take lead agency in the process they'll just take it.

MR. PETRO: We've had it with schools like Ephiphany College where they'll say they're exempt, they don't need the planning board approval, then they put one road into a major high school that's not looped anywhere, this is real intelligent to me because if there's a fire on the road and you've got to get an ambulance there, seems like a little problem but they don't need to come to the planning board. Has to go to Orange County Planning Department, you realize that? Again, conceptually, we don't have any problem with the plan, I think you need to iron out the parking and I would take a copy of Mark's comments which is quite extensive and go over them and Mark it should go to another workshop.

MR. EDSALL: I would, I think the key item now I'll get the letter out to Dormitory Authority but the parking I'll work with them on the parking but I think they

should try to get together with John McDonald to resolve the layout issues because it's easy for us to work out parking but these layout issues that John noted are going to impact that, they can do so, they need to meet with John.

MR. PETRO: Tell him that the board himself I don't think we have a problem with that parallel parking along there, I'd rather see the spaces there than not there as long as you have a clear fire lane what difference does it make. I don't understand his thinking there.

MR. EDSALL: It's really a roadway with parking along the side.

MR. PETRO: What is it, 11 spots, yeah, I'd rather have the 11 spots than like Mark says you have parallel parking along major highways and certainly a fire truck can get by.

MR. SCHLESINGER: You know what I think the problem is is that he wants that to be a two-way street, it has to be a two-way street.

MR. ARGENIO: It looks wide enough for a two-way street.

MR. BAUER: It's 24 feet,

MR. SCHLESINGER: With parallel parking is enough.

MR. PETRO: In addition to that.

MR. SCHLESINGER: In addition, okay.

MR. EDSALL: He may want to make that 30 instead of 24 so that's--

MR. PETRO: Anything else you need from the board at

this time? I think we've gone over it pretty good.

MR. HAMLIN: No, I think we're all set.

MR. PETRO: Thank you.

JOYCE ORR LOT LINE CHANGE (04-19)

Mr. Ken Lytle appeared before the board for this proposal.

MR. PETRO: Next is Joyce Orr lot line change, Jackson Avenue. The application proposes the subdivision of the lands into two single family residential lots. The plan was reviewed previously at the 26 January, 2005 planning board meeting. You're requesting conditional final approval, previous corrections have been addressed, corrections are still needed on the final plan for stamping, the bulk table needs some minor corrections. How can that be? What is it, Mark?

MR. EDSALL: I'll have to catch up with you.

MR. PETRO: Bulk table needs some minor corrections.

MR. EDSALL: I think they were just some provided numbers like the width for lot 76 I think the number needed correction, it's minor corrections.

MR. PETRO: The plan includes detail for erosion control blankets provided a table indicated what slopes they're required for, I suggest the actual location that they're required for at the minimum be shown on the plan, plan provides guardrail details, location where they're required at a minimum should be shown on the plan and silt fence should be shown on the plan, approval letter from highway superintendent is required.

MS. MASON: Under review.

MR. PETRO: I spoke to him today, he said that it was approved.

MR. EDSALL: Jim, on the locations it's not that there is a problem with the plan, the problem is with the

contractors that do the work, a lot of times if they don't have some guidance as to the minimum locations for silt fence or where the blanketing needs to be for erosion they just don't do it so what I'm suggesting you add it to the plan and Mike's guys when they go out there will have some indication if they're doing their job or not.

MR. PETRO: We already assumed position of lead agency and waived the requirement for the public hearing being it's a two lot, it's actually created one new lot, is that correct?

MR. LYTLE: That's right, lot line change.

MR. EDSALL: Lot line change, it's two lots going to two uniform spaced lots.

MR. PETRO: There's no wetlands on this site there?

MR. LYTLE: No.

MR. PETRO: I'll entertain a motion for negative dec.

MR. ARGENIO: I'll make it.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Joyce Orr minor subdivision on Jackson Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE

MR. PETRO

AYE

MR. PETRO: If the board believes a conditional approval is appropriate, condition should be, corrections noted on the plan, we just talked about them, you have to have them implemented on the plan, highway superintendent I'm going to need it in writing here although I have a verbal from him today he will have to have it in writing, I will have to have it here, you submit the description of offer of dedication to the Town Attorney for the dedication strip along Jackson Avenue which is procedure and of course payment of all fees. Actually should put payment of all fees first, I work for the Town. Mark, anything other than what we discussed, do you have any reason that we can't do a conditional final approval?

MR. EDSALL: No, I think that--

MR. PETRO: We've seen it a number of times.

MR. EDSALL: Just a matter of cleaning up the final plan.

MR. PETRO: Very minor in nature, you have to correct what we have.

MR. ARGENIO: I'll make a motion we grant final approval to Joyce Orr minor subdivision subject to the four bullets that the chairman read in a minute ago, corrections on the bulk table, approval from Mr. Kroll, description of offer of dedication from the Town Attorney, payment of all fees.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant conditional final approval to the Joyce Orr minor subdivision with the subject-tos that Mr. Argenio just read in, I'm not

going to read them again. Is there any further discussion from the any of the board members?

MR. SCHLESINGER: I have a question on the general notes existing spacing is non-conforming to wells and septic as noted, monitor the water quality contaminations noted alternate well location shall be used.

MR. EDSALL: Spacing is not something that's part of the proposal because it's existing well, septic and house, I picked it up as part of my review and basically said I don't know that we can compel them to change something that exists if it's not part of the approval but I need them to reserve a location so if there's a problem it shows an alternate.

MR. PETRO: Any further discussions? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.

PLUM POINT CONDOMINIUMS (04-24)

Mr. Dennis Walden and Mr. Izzie Halberthal appeared before the board for this proposal.

MR. PETRO: Plum Point, proposed parking and revisions, this is something new and different. Plum Point Section 4 site plan amendment revisions to the mansion parking lot. The application proposes construction of additional parking to serve the mansion building units. The application was previously reviewed at the 8 September 2004 planning board meetings. The mansion building includes total of 12 units. By code a minimum of 24 parking spaces are required. The plan is intended to develop the necessary parking spaces while meeting the requirements of the fire inspector's office. Okay, I have reviewed the latest plans submitted and have the following comments. I guess what we'll do instead of me going through them why don't you bring us up to date.

MR. WALDEN: This is again another reworking of the plan to try to accommodate 24 spaces that we need for the mansion that has been reconstructed with 12 units, after meeting with the, with Mark and the fire inspector and various other Town officials, we came up with a plan that I believe will make everybody maybe not happy but at least resolve the situation of how the fire truck can get in, how we can provide the 24 spaces, we're going to take this existing island out, these planters and grade this all, take this whole parking lot out, regrade this whole thing, build a landscaping retaining wall here, this will be all graded out here and reseeded with landscaping, this existing planter will be continued and closed off so we'll have a large space here for the fire truck to get in and out for the flow of traffic to back and forth.

MR. PETRO: Okay, it's my understanding that this has gone to the fire department and I have talked to him

personally and he says that conceptually the plan is feasible. The problem however is the grading between Sandpiper Lane and your parking lot.

MR. WALDEN: We've got to get that.

MR. PETRO: It's here and then?

MR. WALDEN: Steps up real quick but we have to regrade it to get it to work, we can get it to work.

MR. PETRO: How are you going to regrade it? You can't regrade in the road so you have to take it all out.

MR. WALDEN: We're going to hold the grade here, going to hold the grade back here and excavate this out to meet the grade, try to maintain.

MR. PETRO: Five percent?

MR. WALDEN: Yes.

MR. PETRO: You think that five percent is attainable inside the parking lot?

MR. EDSALL: I asked Dennis for some additional topo along Sandpiper so we can look how it ties in but it's, I believe it can work, they're going to have to get some more data but the layout works now just a matter of minimizing the grades.

MR. ARGENIO: Mark, fixed point on one side, fixed point on the other, it's 22 degrees, you believe they can get it to 5 degrees or is it 5 percent?

MR. EDSALL: Five percent.

MR. EDSALL: May not necessarily have to be a fixed point because spaces 1 through 7 there's nothing that keeps them from mildly dropping them, that means

reconstruction over that part of the parking lot and transition slope from space 7 up toward 8 and 9, in other words, 1 through 7 don't necessarily have to be the same elevation as 8 through 13.

MR. WALDEN: They won't be, there will be a slope.

MR. EDSALL: That's what we need to have them give us final grading on to show us that it can work.

MR. PETRO: Okay, let's see, the planning board should verify the status of SEQRA, I don't think that this is going to affect the SEQRA that was already done, you want to re-do it, Mark, for some reason because this is an amendment?

MR. EDSALL: Any action that you take has to have a SEQRA determination so--

MR. PETRO: So it is minor in nature as far as the parking is concerned, so I think what we'll do is just, well, I don't want to do it yet unless--

MR. EDSALL: I want to know whether or not you've taken lead agency, I wasn't sure.

MR. PETRO: I don't think we've taken lead agency on this. Motion for lead agency.

MR. ARGENIO: I'll make a motion that the planning board take lead agency for Plum Point Section 4 site plan amendment.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Plum Point Section 4 site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: The board should discuss whether their application is subject to review at the Orange County Planning Department as per New York State General Municipal Law, Mark, I'm going to have to refer to you on this.

MR. EDSALL: It goes back to if you consider an amendment something that has to go to the Planning Department since it already has an approval I'm not quite sure whether or not it has to.

MR. PETRO: Again, this is a parking lot, I think that's ridiculous to send it there.

MR. EDSALL: I just wanted to have a conscious decision on the record that it was already approved and was not subject to planning at that point and this is a minor amendment.

MR. SCHLESINGER: I agree.

MR. MASON: I agree.

MR. KARNAVEZOS: Same.

MR. PETRO: So it's not going to go there, we don't need it in the form of a motion. Planning board should determine for the record if a public hearing will be required with this site plan amendment per its discretionary judgment under paragraph 386 under Town Zoning Local Law. I would assume all these people are

here for Plum Point, somebody want to say something and why you don't want this parking lot or you think it's going to work and you think it's going to be okay? I know it's not a public hearing.

AUDIENCE MEMBER: We really haven't seen this new plan so this is new to us right now.

MR. PETRO: Well, here's what's going to happen, I can't approve it tonight because we don't have the grading so you'll have a chance if you want to meet with someone from your office or--

MR. EDSALL: They can look at a plan at our office.

MR. PETRO: I can tell you I did show it to the fire inspector, I mean, it does work as far as getting the trucks in, that's not the problem, it's strictly grading, they're taking the planter down, is that correct in the front that big planter?

MR. EDSALL: Part of it.

MR. PETRO: Which will allow free access to the entire site, we know it's a major problem, I don't have to tell you people, you live in the area so we're trying every possible way to make it good for the owners and for yourself living there and it hasn't been easy as you know. I would suggest that you do that, take a look at it, if you want to come to the Town we're not taking action, I cannot take action tonight because I don't know the grades, you follow me, how am I going to take action if we don't know the grades can be met?

MR. WALDEN: I'd like to get it subject to and meet with Mark.

MR. PETRO: I want to see it, it's only two weeks away, I can put you on the next meeting, gives them a chance to look at it, no sense in doing something and having

every single person down there screaming. Let's get it done two weeks from tonight. I don't think they're going to be unreasonable, they can take a look at it, if it works, it works, that's basically it. If it works, it works. You'll want to take a look at it, so I think that's what we'll do, Mark, make sure they're on the next workshop so you can review it. I talked with Mark in private, he thinks it can be accomplished, so talk to the fire inspector, if they already said that they don't have a problem with it, if you can meet that so kind of sounds like we're kind of getting to the end which is very happy for everybody.

MR. EDSALL: I would suggest if you're going to not have a formal public hearing that you have the board vote not to have a public hearing. Obviously, the public is aware, just accept public comments at the next meeting, I think there should be something or have a public hearing, but you need to, I think we need to decide if it's going to be a formal public hearing or just accept comment at a public meeting.

MR. PETRO: I always kind of listen to what they say anyway so to actually set up a public hearing and have them go through it, I don't know that that's absolutely necessary and I hate polling the audience.

MR. EDSALL: You should have something on record.

MR. PETRO: I don't think it's necessary, they're going to look at the plan, they'll be here, if there's a major objection we'll hear it. Do you understand what I'm saying? If you look at this and say listen, this is absolutely horrible and I frankly, you know, we're all sitting here collectively for many years, it would be very difficult to see why you would say this is horrible, there may be something you're aware of we can add to the plan and fix and that we can understand but I think he's really done a fairly good job.

MR. BABCOCK: Everybody has worked on this plan to try and make it work and this is what--

MR. PETRO: Fire department, we're working on it, everybody, matter of fact I don't know if anybody--Greg, are you working on this plan? There you go. So we've got him working on it.

MR. BABCOCK: And we all, Mr. Chairman, think that it will work but we need to make sure the grades work.

MR. ARGENIO: And Mark they should clean up the other bullets here too, this is a two week window and there's five bullets and six comments total so there should be less than half next time, I mean substantially less.

MR. EDSALL: Should be gone.

MR. WALDEN: Three through six we handled right now.

MR. ARGENIO: There's five bullets under item 2, it should be taken care of.

MR. EDSALL: Can we just so the record is complete have the board vote not to hold a formal public hearing, waive the public hearing,

MR. SCHLESINGER: It's not required anyway, is it?

MR. PETRO: It's discretionary. Mark, let's not vote, just leave it and do it next time.

MR. EDSALL: Well, I think you always take action to decide if you want or don't want a public hearing, you should do the same for this application as all others unless you want to make a decision if you want to have a public hearing at the next meeting.

MR. PETRO: I may do that.

MR. EDSALL: That's the reason, leaves it wide open.

MR. PETRO: They can come in and have some legitimate reason, they being the public, listen, we're here to listen to the 12 families that are going to live there and I know that you have been patient and working very hard to get this done, and I think we're very close, I really do, but for me to say no public hearing at this point, I just don't see any reason for it. We can do it next time, vote no public hearing and give final approval, that's what I think is going to happen and it could be in two weeks but very important you need to be ready to come to the planning board which means workshop plan has to be ready and you have to have the slopes figured out, some signoff on it and don't do it Tuesday before Wednesday meeting, in other words, when is the next workshop?

MR. BABCOCK: Next Wednesday. Are you going to have it done by then?

MR. WALDEN: Well--

MR. PETRO: You'll be on the next meeting, they have a chance to look at it and we should be done.

MR. SCHLESEINGER: Any drainage issues?

MR. PETRO: I don't think so, it all sheet flows down to the side.

MR. BABCOCK: There's catch basins at the lower end.

MR. PETRO: Anything else you want to add?

MR. WALDEN: No.

MR. PETRO: Two weeks is not a long time to get slopes, if you had the slopes we can look at it and everybody can look at it, but without it, no sense continuing.

MR. EDSALL: Just procedurally so we don't have another problem on comment 6, can we get them to waive, this has obviously gone on for quite a long time, I don't want to run afoul of the zoning code that requires that the board act within 62 days of submission of a complete plan, God knows when it was complete, but just have them waive the time deadlines which will allow us to get a revised plan and have the next meeting.

MR. WALDEN: Yes.

MR. PETRO: You should waive it and come back in two weeks. If you say no, I'm not going to waive it, there will be a big problem. So you're waiving it?

MR. WALDEN: Yes.

MR. PETRO: Can I hear you? Are you waiving it?

MR. HALBERTHAL: Yes, if that's what you want, I think it's our sixth revision or seventh revision that we have.

MR. PETRO: We know, listen, I spent more time down there than I've seen my kids, so I know what's going on down there, you've got to be in by next Wednesday so this gets on the next board.

MR. WALDEN: Just call Mark.

MR. EDSALL: Myra.

MS. MASON: Call me tomorrow.

MR. PETRO: Thank you.

DISCUSSION

PATRIOT RIDGE CONDOMINIUMS - FIELD CHANGE FOR POOL
DECK, POOLS AND SHED

Mr. Greg Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Patriot Ridge Condominiums. In accordance with the previous procedure of your board regarding the above-referenced project, I'm enclosing three copies of my sketch entitled Amended Clubhouse, Tennis Court, Pool Plan, Patriot Ridge Condos dated May 18, 2005. The sketch is being submitted to your board as a field change for an approved site plan. The proposed revisions reflected on this drawing are as follows: The dimensions of the pool deck and raising of its elevation by five inches. What dimensions?

MR. SHAW: The dimensions of the deck have been finalized, the dimensions of the pool have been finalized.

MR. PETRO: Bigger?

MR. SHAW: Same size but maybe a couple feet off.

MR. PETRO: The sizes of the adult pool and children's pool?

MR. SHAW: Correct, I just mentioned that.

MR. PETRO: Don't you know nobody wants pools here? What's wrong with you?

MR. SHAW: Until you don't put them in.

MR. PETRO: And the 10 foot by 14 foot pool shed, I guess that's a pool shed addition?

MR. SHAW: Pool shed right along the clubhouse 10 by 14.

MR. PETRO: Ten by fourteen foot pool shed addition, that's in addition to what's already there?

MR. SHAW: Correct. Before we had the clubhouse, no changes to that, but there's a small addition 10 by 14 feet which we have added to the side of it for the equipment to maintain the pool.

MR. SCHLESINGER: For the pumps and everything?

MR. SHAW: Yes, filters, et cetera.

MR. SCHLESINGER: How come that wasn't planned before?

MR. SHAW: I can't answer that.

MR. PETRO: Second part of this problem is I believe the building department is receiving calls from people who are already living there wanting to know why this pool or clubhouse is not complete. The pool's not up and running either, is it?

MR. SHAW: No, it's not.

MR. PETRO: Then in other words why are people there? This isn't done so you need to talk to whoever's the owner of this project.

MR. SHAW: Well, I can give you a little bit of information on that. I spoke with Mike this morning, he was nice enough to give me a call and there was some issues, one was the clubhouse, when is that going to be ready, all right, and I spoke to Mark Ikelbeck (phonetic) who tells me it will probably be ready for a C.O. in two, maybe three weeks. There's a problem with the elevator where they had to go back and do some work

so that you're looking at two to three weeks off. The tennis courts I believe are functional, that's what he's told me, people have played tennis there, all right, and with respect to the pool itself, all right, the two pools more than likely they're not going to be ready this season, they have not been approved by the health department and this is a long procedure.

MR. PETRO: Let me ask you this. Why are you selling condos there or why are the owners selling condos there in the perspectus? They're showing pools and clubhouse and they're not available.

MR. SHAW: They'll be available, just a question of when, Mr. Chairman, and I can't answer you why.

MR. PETRO: I would have suggested that they don't issue a C.O. to the first condo until they were done, I think it's just not right and it's not under proper procedure. I know you're at a disadvantage because you don't really know why, obviously, the answer to me is when they sell a condo, they get paid and these things are all a drain on the economy of the project, therefore, back burner and I have already suggested to the building inspector that no more C.O.s be issued until it's complete.

MR. SHAW: What's complete?

MR. PETRO: Everything, the pools and the clubhouse which is in the perspectus, it's filed in the Attorney General's office, correct?

MR. SHAW: I believe so, yes.

MR. PETRO: If I bought a condo there saying that's what I'm going to get, there's no reason, I mean, the homeowner's association would have to meet in somebody's condo, correct, it's not a clubhouse, you can't do in it, there's a C.O. for the clubhouse?

MR. BABCOCK: No.

MR. PETRO: We can't go in and have a meeting, you get my point, you know I'm right, there's, in defense, they have to finish it, it's up to the building department whether or not they're going to issue a C.O. and I think as far as we're concerned, that it should be done the second issue is down on the corner of Union Avenue and 32, it's a mess, put in the nice brick pavers and put the trees in, it looks nice, the flag, and it's overgrown with weeds about 2 1/2, 3 feet high, we called three days in a row, we had the building department down there and for three days we've been told that it would be taken care of, taken care of is down there with a weed whacker.

MR. SHAW: I believe it was taken care of today.

MR. BABCOCK: When I called today I think my office was talking to maybe the sales office or something, wrong people, I did get a return phone call from the job superintendent saying that he was taking care of that today and the road's being swept, they're sweeping them, they told me they're sweeping them three times a week, if that's not enough, they'll sweep them more.

MR. PETRO: I don't undertaken why the planning board chairman and building inspector has to call and tell a multi-million dollar project to go down and weed whack around their centerpiece which is on the corner of Union, that's why we asked to put it there, nobody calls me up every morning says Jim, you should go shave now. Somebody should be taking care of that really, you know these people, phone call from you will go a long way and there's no reason for me to have to ask you.

MR. SHAW: It was made five minutes after I got off the phone call with Mike.

MR. PETRO: This is the second or third time.

MR. SHAW: This is the first I'm aware of it.

MR. PETRO: The other issue which is a bigger issue the pool, especially the pools, I don't know, I'll leave that up to the building department, I think the clubhouse should be finished, I can't imagine why it's not finished.

MR. BABCOCK: Mr. Chairman, last year about August when I met with them they had told me they weren't going to start the pools because of the winter months which I didn't like at all myself but quite honestly, it didn't matter because they weren't looking for C.O.s at that time, they said we're going to start the pools first thing in the spring, spring is gone, if Greg is saying they don't even have health department approval, that can take months.

MR. SHAW: I'm saying that season may be behind us.

MR. BABCOCK: Yeah.

MR. SCHLESINGER: It's a hundred degrees today and if I was buying a condo there, I wouldn't be very happy if I didn't have those facilities either but is that our issue?

MR. MINUTA: Can I ask a question? Where are they in the process for health department approval on the pools?

MR. SHAW: I don't know firsthand, I know they do not have approval.

MR. MINUTA: Cause that's a 12 or 14 week procedure.

MR. SHAW: Right now they're taking six to eight weeks

to go from the bottom of the pile to the top, I'm not doing the pool design, not sure if it's even been submitted yet. I'm not even promising the board that it has, I don't know. But I just know that the pool season is June, July and August and usually shut down Labor Day or shortly thereafter and I haven't even been there. Mike, are the pools even under construction?

MR. BABCOCK: No.

MR. SHAW: Then obviously if they're not approved by the health department they're not going to get approved and built in the next 12 weeks, so I think it's safe to say that this season is out.

MR. BABCOCK: This should be, this is definitely going to be a learning experience for any project that gets approved.

MR. ARGENIO: I'm going to tell you something, I don't know that we need to get into it right now, I've seen other projects where there are certain thresholds that need to be met cause obviously as Jim pointed out these are non-revenue producing items but--

MR. EDSALL: We've learned a lesson already. You'll note on Danza's plan as an example we're telling him that he has to have all the common improvements complete before the 51 percent percentile is hit, so we've learned our lesson. The bottom line is we can't trust good will anymore, it's got to be now on the plan that's enforceable so that if they're at 51 percent occupancy and the pools and the common facilities are not occupied and complete we say you're in violation of your site plan, guess what, we're shutting you down.

MR. SHAW: How many C.O.s are issued?

MR. BABCOCK: I don't know, Greg, I can't--

MR. SHAW: Do you think we're at 50?

MR. BABCOCK: I think you are, yeah, I do, but I don't know, I really don't know. Mr. Chairman, this is the problem when you tie these things into a C.O. you not only hurt the development, you hurt the people that are trying to close, these people have put binders on their houses, got building permits, they're going to have a closing in September or July or whenever they've sold their other house and they want to move in, that's why people are living there right now. We had to get these people in. They were living in motels and every place else that you can imagine that people were living in because the units were supposed to be done so tying the C.O.s in is not a good thing.

MR. SCHLESINGER: Back to my original question. I agree with everything but is that either building department or planning board that this has to be done, the pools have to be done before you get a C.O. for the residence, is there a code for that?

MR. PETRO: Well, as far as I'm concerned, the perspectus that's issued with the condo project that's filed with the Attorney General's office spells out what you're going to get with your condo and part of that is the clubhouse and the pools and the tennis courts.

MR. SCHLESINGER: We have reviewed the perspectus for the condos and--

MR. PETRO: They're in violation of the perspectus.

MR. SCHLESINGER: I'm looking at it as a legal issue, comes up planning board issue, that's something that we have to review and that we have to spell it out that the common areas or the pool areas, clubhouse, tennis court have got to be, have to have an approved C.O. before you get an approved C.O. for the living units.

MR. BABCOCK: Building permits, maybe not C.O. so this way there's nobody tied into that.

MR. SCHLESINGER: But then once again you get the building permits.

MR. BABCOCK: There's no bonds on these things, you know, there's no insurance.

MR. EDSALL: All private improvements, understand that if the developer defaulted, the enforcement action would be by the Attorney General's office, not by the Town of New Windsor, and again we know how well that works out.

MR. EDSALL: That's a wonderful procedure.

MR. ARGENIO: What do you want to do, Jim, I think something is in order.

MR. BABCOCK: I think the developer knows that we're not happy about these things not being done and I'm sure that Greg understands that they can't just start building a pool tomorrow, they have to get the proper approvals so what it is is what it is, there's not much you can do at this point except move forward and I don't know whether there needs to be more time and some more, you take some more time to think about what we're going to do but--

MR. SCHLESINGER: Greg, you have to get health department approval before you can start building.

MR. SHAW: That's the most prudent way of doing it.

MR. PETRO: Has this come to either yourself and/or RPA as a surprise that you're putting these condos here, is it like a big surprise why are we doing it now, why didn't the pools get started last year or when you

started the foundation in the first condo, I think getting away with it is rubbing me the wrong way, I think it's outrageous, I think it's an outrage, I'm not sure anybody is going to get away with it.

MR. SHAW: Getting back to your point about the condo perspectus, you're correct in that the developer has to provide pool and clubhouse and tennis courts, et cetera, I'd be surprised if there's anything in that perspectus that says when, so to say that they're in violation of the perspectus, read it first because I don't think they're usually including a timeframe as to when these common improvements have to be in.

MR. PETRO: Why can't we say we can do it in the year 2030, we can pick any time? If you buy a condo you're supposed to get it, very simple, you don't have to say when.

MR. KARNAVEZOS: Isn't that also part of the maintenance agreement?

MR. GALLAGHER: Are these people paying common fees right now?

MR. PETRO: I'm sure they are.

MR. GALLAGHER: With what benefits?

MR. PETRO: We're not going to get anywhere hashing it out because obviously you can't defend it, it should be built so I'm not coming down on you.

MR. SHAW: I can't defend anything tonight, Mr. Chairman, but I hear you loud and clear and I will have another conversation with him.

MR. PETRO: I don't think that's enough, I think a conversation with the owners and developers is not enough, we should take some form of action to do

something, maybe the pools are extreme because you have to wait 12, 14 weeks, why you waited until you built 103 condos to say gee, now we should put pools in is just amazing, when I ride by, I would just assume those people had pools.

MR. SHAW: In all fairness, if Mr. Danza's allowed to build 50% of his units before he has the pool in, we should be allowed that latitude also.

MR. PETRO: I didn't say that.

MR. SHAW: But I'm saying in all fairness, if the board agreed that he can go up to 50% without having the common improvements in we should get a pass to that point also. Now if we're 80 percent over, well, shame on us because there's a lot more units that have C.O.s above the 50 percent, Mark, I don't know how far we violated, what the board considers to be a reasonable threshold.

MR. PETRO: To me reasonable threshold is one, that's what mine would be. And I can tell you anybody else that comes in won't have the conversation.

MR. SHAW: But Mr. Danza just got approval for 51 percent.

MR. PETRO: From who?

MR. SHAW: From this board.

MR. BABCOCK: No, no, I don't think so.

MR. PETRO: He's just a hypothetical.

MR. EDSALL: Yeah, I believe that number, the percentage may not be set but that's one of the issues open on Danza's plan is that having, he doesn't have approval yet is that I have a concern that there has

not been any percentage or any control over when the common improvements get done.

MR. BABCOCK: Tomorrow I can give you the percentage of what's there, if that can help your decision.

MR. PETRO: Well, you already know how I feel, if there's one C.O. it's too many without the pool and the clubhouse.

MR. BABCOCK: I'll do whatever this board directs me to do.

MR. PETRO: But your other point is very well taken, normally when you hold up a C.O. you're only hurting the family that's moving in, of course the seller is not getting the revenue from the closing, but it's more important to the family that's living in a hotel.

MR. SCHLESINGER: Maybe address it for something a little bit further down the road so therefore people that may be in three months from now should know what to expect.

MR. PETRO: He's getting calls already, he, Mike, you received calls today about the clubhouse not being done.

MR. BABCOCK: I think yesterday.

MR. PETRO: Any calls about the pools?

MR. BABCOCK: No, not to my knowledge, just the clubhouse.

MR. PETRO: Well, first let's do this as far as the corrections to the plan, the field changes I certainly wouldn't have a problem with them, they're very minor in nature, I can't see how it could possibly affect the overall plan. Does anybody disagree with that and want

to see any other change on the plan?

MR. ARGENIO: I agree with you.

MR. PETRO: If a deck is one foot one way or the other and the size of that plan there I think it's very minor in nature.

MR. EDSALL: No, I think it's minor.

MR. SCHLESINGER: Even though it's minor, the shed doesn't need any short of--

MR. EDSALL: No, probably where the shed issue came up was they most likely anticipated in the basement of the clubhouse having a portion allocated to pool use, they probably decided to keep it as an outbuilding.

MR. BABCOCK: Right in the middle of the project.

MR. PETRO: Gentlemen, the shed itself doesn't create any nonconformities?

MR. SHAW: No.

MR. PETRO: So nobody has a problem with that. The other issue, Mike, I'll tell you what we're going to do, you're going to field the calls, you can take care of it, if you feel it necessary for a recommendation from this board and it's out of control and you're getting nowhere with the owners of the project, report back to us and we'll make a recommendation to you to put a stop work order.

MR. BABCOCK: Okay.

MR. PETRO: That gives you time to do your homework and find out what's the percentage that's occupied where you're going and try to get some date line on when the pools and the, and especially I think more importantly

at this point would be the clubhouse to get it done so these people with the homeowners' association have a place to meet.

MR. SHAW: I would agree, I would based upon my conversation with Mark Ikelbeck today I would think they'll have the C.O. in his hand within 30 days, he mentioned two to three weeks, 30 days is more than reasonable, from what I understand it's sheetrocked, there was just a problem with the elevator.

MR. PETRO: I was in the clubhouse a year ago on a site visit and it was sheetrocked.

MR. BABOCCK: I think that's the issue, I was there last August and it was pretty much ready to go then.

MR. PETRO: Okay, so we have an understanding so in 30 days we'll get back to Mike, find out what's going on with the, at least with the clubhouse and give us an update with the pools.

MR. BABCOCK: Okay.

MR. PETRO: But I don't think Greg that it's really not the right thing, it really isn't, I think it's like sham on you guys, really not a good deal.

MR. SHAW: I'll pass that on to him first thing in the morning.

MR. PETRO: And the grass on the bottom, thank you.

MR. SHAW: And the grass on the bottom.

MEETING DATES

MR. PETRO: Everybody notes that the summer meeting dates are changed, it's on the bottom of your list, there's been two cancellations, Mark's going to be out of Town, we've got other changes, normally take off two meetings in the summer, Mike doesn't want to work.

COMPLETION OF PROJECTS

MR. EDSALL: Just that the issue of the percentages of completion I would ask that we discuss it no further tonight but you all think about a reasonable percentage, I don't know that you really want to impose that when the first unit of 130 unit complex is occupied that you've got to have all the common facilities done but we do need to come up with a percentage.

MR. BABCOCK: I think I agree that most of it should be done when one person lives there, they want to use it.

MR. MINUTA: If they're paying common fees.

MR. EDSALL: Remember that if there's 200 units and there's only one person there they're paying 1/200 of the common fees, the owner still is the primary owner.

MR. SCHLESINGER: But the practicality if there's only going to be one.

MR. ARGENIO: Mark is right, we shouldn't get too far into this tonight but I agree with you.

MR. EDSALL: The reason I'm pushing the issue is that I want to put something locked in on Danza and I want to lock it in on everybody else who comes through this board so we don't have to deal with this every time we have a multi-family.

MR. ARGENIO: You don't think that Mr. Danza would engage in any type of minutia?

MR. EDSALL: He's in the process of selling other projects, I wouldn't be surprised if we end up with another owner on this and I hate to say it but I really don't trust anybody anymore. So I want it on the plans so that the issue is decided when they get their stamp of approval, you don't have to decide how to shut them down, what you're going to say, you're in violation of your site plan, period, no argument.

MR. MINUTA: Maybe a sliding scale based on the number of units per development.

MR. EDSALL: Just think about it and I'd like to just do it if we come up with a 25 percent, 50 percent, 30 percent, whatever it is if we use it across the board Mike and I will just--

MR. PETRO: I would never agree on 50, it would have to be something very small.

MR. BABCOCK: You know, the problem with this project we've got to tell them everything, they've got people living there, no garbage dumpsters, I have to go down there and give them hell to get dumpsters in. I give them a list last August, it's still not done.

MR. PETRO: If you hold up a C.O. you'll be amazed how the attention changes.

MR. EDSALL: C.O.s hurt Mike, you know the routine with those, then you have--

MR. PETRO: Or building permits, as long as you have some left to go or stop something down on the bottom, tell them look, what do they have, a foundation permit now?

MR. BABCOCK: Not yet.

MR. PETRO: So you've got room to stop a permit, if you had a stop work order.

MR. BABCOCK: I think they're going to get the message.

MR. PETRO: You really need to talk to them.

MR. SCHLESINGER: Nothing else, I agree.

MR. PETRO: Motion to adjourn.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

6/17/05